

Ropers Majeski Kohn & Bentley  
A Professional Corporation  
Redwood City

TODD A. ROBERTS (SBN 129722)  
JESSHILL E. LOVE (SBN 208348)  
ROPER, MAJESKI, KOHN & BENTLEY  
1001 Marshall Street, Suite 300  
Redwood City, CA 94063  
Telephone: (650) 364-8200  
Facsimile: (650) 780-1701

Attorneys for Plaintiffs  
STEVE TRACHSEL, an individual; SUN CITY  
TOWERS, LLC, a California corporation;  
THOMAS CIRrito, an individual; ATOCHA  
LAND, LLC, a Delaware limited liability company;  
MICHAEL CIRrito, an individual; and CIRrito  
HOLDINGS, LLC, a Delaware limited liability  
company

UNITED STATES DISTRICT COURT - NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

STEVE TRACHSEL, an individual; SUN  
CITY TOWERS, LLC, a California  
corporation; THOMAS CIRrito, an  
individual; ATOCHA LAND, LLC, a  
Delaware limited liability company;  
MICHAEL CIRrito, an individual; and  
CIRrito HOLDINGS, LLC, a Delaware  
limited liability company,

Plaintiffs,

v.

RONALD BUCHHOLZ; CHARICE  
FISCHER; RDB DEVELOPMENT, LLC,  
a Nevada limited liability company;  
SOLOMON CAPITAL, INC., a Nevada  
corporation; JONATHON VENTO;  
GRACE CAPITAL, LLC, dba GRACE  
COMMUNITIES, an Arizona limited  
liability company; DONALD ZELEZNAK;  
Z-LOFTS, LLC, an Arizona limited  
liability company; ZELEZNAK  
PROPERTY MANAGEMENT, LLC dba  
KELLER WILLIAMS REALTY, an  
Arizona limited liability company;  
KELLER WILLIAMS REALTY, INC., a  
Texas corporation; and DOES 1-50,  
inclusive,

Defendants.

CASE NO. C08 02248RMW

**PLAINTIFFS' NOTICE OF MOTION AND  
MOTION FOR RELIEF FROM  
DISCOVERY STAY**

[FED. R. CIV. PROC. §§ 26(b)(2)(C), 26(f),  
30(a)(2)(A)(iii); 15 U.S.C. §§ 77z-1(b)(3), 78u-  
4(b)(3)(B)]

**Date:** August 22, 2008  
**Time:** 9:30 a.m.  
**Ctrm:** 6  
**Judge:** Hon. Ronald Whyte

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

NOTICE IS HEREBY GIVEN that on August 22, 2008, at 9:30 a.m. in Courtroom 6 of the above-entitled court, located at 280 South First Street, San Jose, California, Plaintiffs STEVE TRACHSEL, SUN CITY TOWERS, LLC, THOMAS CIRrito, ATOCHA LAND, LLC, MICHAEL CIRrito, and CIRrito HOLDINGS, LLC ("Plaintiffs") will move the Court for an Order Granting Plaintiffs Limited Relief from the Discovery Stay imposed by Federal Rule of Civil Procedure 26(f) and the Private Securities Litigation Reform Act, thereby allowing Plaintiffs to depose nonparties Valerie Bunnell and Todd Squellati.

The Motion for Relief from Discovery Stay is brought on the grounds that Plaintiffs' discovery requests are limited, particularized, intended to prevent the destruction of evidence, and would result in undue injury if not granted at this time.

This Application is based on this Notice, the Memorandum of Points and Authorities, the Declaration of Jesshill E. Love, all the papers and files lodged and filed in this proceeding, and on oral argument at the time of hearing.

Dated: July 18, 2008

ROPERS, MAJESKI, KOHN & BENTLEY

By: 

TODD A. ROBERTS  
JESSHILL E. LOVE  
Attorneys for Plaintiffs  
STEVE TRACHSEL, an individual; SUN CITY TOWERS, LLC, a California corporation; THOMAS CIRrito, an individual; ATOCHA LAND, LLC, a Delaware limited liability company; MICHAEL CIRrito, an individual; and CIRrito HOLDINGS, LLC, a Delaware limited liability company